UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,653	01/30/2001	Peter J. Perley	CTM003/JTN	8167

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EXAMINER
GARG, YOGESH C

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Office Action Summary	Application No.	Applicant(s)
		09/771,653	PERLEY ET AL.
		Examiner	**Art Unit**
		Yogesh C. Garg	3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 November 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/30/2005</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1.   The applicant's response received on 11/30//2005 is acknowledged and entered.

Claims 1-30 are amended. Currently claims 1-30 are pending for examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-30 have been considered but are

moot in view of the new ground(s) of rejection necessitated due to current amendments.

Claim Objections

3.   The amendment filed 11/30/2005 is objected to under 35 U.S.C. 132(a) because

it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no

amendment shall introduce new matter into the disclosure of the invention. The added

material which is not supported by the original disclosure is the new limitation added to

claims 1 and 21, as follows: " *determining a financial capacity in accordance with one or*

more predefined business metrics exclusive of a cash position" which was not described

in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. Neither the applicant has indicated support for this limitation in the

disclosure nor the examiner could find one. Instead, on reviewing the applicant's

specification, the examiner observes that the specification explicitly includes " cash

position" as one of the predefined metrics in defining the financial capacity /condition

/status of a business, see Page 8, lines 17-25, " "In this disclosure the term financial capacity is

understood to be the preferred financial state of the business enterprise defined by various business

measures. These measures may be set by a capital provider, such as a financial institution or bank, or

may be set by the internal controls of the business enterprise itself. Examples of business **measures**

which may be used to define a preferred financial condition include, lender covenants relating to

cash flow, borrowing capacity, allowed capital expenditures, return on sales, EBITDA, net profit, directors

and officers remuneration, debt service ratios, and timely payment of priority payments..........". See

As per MPEP 2173.05(i) Negative Limitations which states that any negative limitation

or exclusionary proviso must have basis in the original disclosure. If alternative

elements are positively recited in the specification, they may be explicitly excluded in

the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194 USPQ 187, 196 (CCPA 1977)

("[the] specification, having described the whole, necessarily described the part

remaining."). See also *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), *aff'd mem.*,

738 F.2d 453 (Fed. Cir. 1984). The mere absence of a positive recitation is not basis for

an exclusion. Any claim containing a negative limitation which does not have basis in

the original disclosure should be rejected under **35 U.S.C. 112**, first paragraph, as

failing to comply with the written description requirement. Note that a lack of literal basis

in the specification for a negative limitation may not be sufficient to establish a *prima*

facie case for lack of descriptive support. *Ex parte Parks*, 30 USPQ2d 1234, 1236 (Bd.

Pat. App. & Inter. 1993). See **MPEP § 2163 - § 2163.07(b)** for a discussion of the

written description requirement of **35 U.S.C. 112**, first paragraph.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. claim(s) 1 and 21 contain subject matter, that is the limitation, " *determining a financial capacity in accordance with one or more predefined business metrics exclusive of a cash position*" which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Neither the applicant has indicated support for this limitation in the disclosure nor the examiner could find one. Instead, on reviewing the applicant's specification , the examiner observes that the specification explicitly includes " cash position" as one of the predefined metrics in defining the financial capacity /condition /status of a business, see Page 8, lines 17-25, " "In this disclosure the term financial capacity is understood to be the preferred financial state of the business enterprise defined by various business measures. These measures may be set by a capital provider, such as a financial institution or bank, or may be set by the internal controls of the business enterprise itself. *Examples of business measures which may be used to define a preferred financial condition include, lender covenants relating to cash flow,* borrowing capacity, allowed capital expenditures, return on sales, EBITDA, net profit, directors and officers remuneration, debt service ratios, and timely payment of

priority payments...........". See As per MPEP 2173.05(i) Negative Limitations which

states that any negative limitation or exclusionary proviso must have basis in the

original disclosure. If alternative elements are positively recited in the specification, they

may be explicitly excluded in the claims. See *In re Johnson*, 558 F.2d 1008, 1019, 194

USPQ 187, 196 (CCPA 1977) ("[the] specification, having described the whole,

necessarily described the part remaining."). See also *Ex parte Grasselli*, 231 USPQ 393

(Bd. App. 1983), *aff'd mem.*, 738 F.2d 453 (Fed. Cir. 1984). The mere absence of a

positive recitation is not basis for an exclusion. Any claim containing a negative

limitation which does not have basis in the original disclosure should be rejected under

35 U.S.C. 112, first paragraph, as failing to comply with the written description

requirement. Note that a lack of literal basis in the specification for a negative limitation

may not be sufficient to establish a *prima facie* case for lack of descriptive support. *Ex*

parte Parks, 30 USPQ2d 1234, 1236 (Bd. Pat. App. & Inter. 1993). See **MPEP § 2163 -**

§ 2163.07(b) for a discussion of the written description requirement of **35 U.S.C. 112**,

first paragraph.

Since all dependent claims 2-20 and 22-30 also inherit the same deficiency they

are also rejected for the same reason.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

5. 1.   Claims 1-8,13-15,17-30 are rejected under 35 USC 103(a) as unpatentable

over Baseman in view of Lewis.

Baseman discloses a computerized method of monitoring financial offers of a

business having electronic records of financial accounts, the method comprising the

steps of:

Determining a financial capacity of the business in accordance with one or more

predefined business metrics exclusive of a cash position (see Baseman, col.8, line 43-

col. 9, line 56. Baseman teaches determining a financial capacity/condition/status of a

firm in accordance with one or more metrics exclusive of a cash position, that is a firm's

global tax position, historical receivable payment patterns, a firm's foreign exchange

position or a company's inventory position to optimize the profitability of the

organization by determining which customer demands to fulfill in the face of demand

uncertainty, capacity and time constraints).

providing a software system for monitoring a cash position of the business, said

software system including one or more predetermined limits defined by the financial

capacity of the business (see at least col.2, line 33-col.3, line 10, which teaches

providing software systems to monitor the cash position/management. Col.8, line 42-

col.9, line 63 also teaches providing an integrated software system of SCM and FM for

monitoring cash position including one or more predetermined limits defined by the

financial capacity/condition/status of a firm such as, a firm's global tax position,

historical receivable payment patterns, a firm's foreign exchange position or a

company's inventory position to optimize the profitability of the organization by

determining which customer demands to fulfill in the face of demand uncertainty,

capacity and time constraints. Also, see col.5, lines 49-53, col.6, lines 16-20, col.10,

lines 19-43, col.11, line 40-col.12, line 24, col.17, line 33-col.18, line 44, col.21, line 55-
col.23, line 4.);

permitting said software system to periodically connect to the electronic

records to receive updated transaction information to calculate a current cash

position (see at least col.2, line 33-col.3, line 10, which teaching providing software

system to monitor the cash management. The steps of providing information on sources

and uses of funds to ensure liquidity to meet payment obligations requires connecting to

the records of cash-receivable and payment obligations to calculate the updated

position of cash-position because then only the system would ensure liquidity to meet

payment obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55,

col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4);

calculating a cash position of the business in respect of a proposed

transaction by the business; calculating a permitted cash position based on said

updated transaction information and said one or more limits defined by said financial

capacity; comparing the calculated cash position of the business after said proposed

transaction to said permitted cash position (see at least col.2, line 33-col.3, line 10,

which teaching providing software system to monitor the cash management. The steps

of providing information on sources and uses of funds to ensure liquidity to meet

payment obligations will require calculating a cash position/permitted cash position of

the business in respect of a proposed transaction by the business based on updated

transaction information and said one or more limits defined by said financial capacity

and comparing the calculated cash position of the business after said proposed

transaction to said permitted cash position to ensure liquidity to meet payment obligations. Also, see col.5, lines 49-53, col.6, lines 16-20, col.9, lines 2-55, col.10, lines 39-43, col.17, line 33-col.18, line 44, col.21, line 55-col.23, line 4.

Baseman also teaches taking steps to prevent the proposed transaction causing the business to fall outside of any said limits defined by the financial capacity, see at least col.9, lines 2-55, col.10, lines 39-43, and col.21, line 55-col.23, line 4 wherein the system defers the reordering after determining and calculating that the cash position is constrained and stops the enterprise from falling outside of any limits defined by the financial capacity.

Baseman does not explicitly teach providing an indication of the fact that the proposed transaction will cause the business to fall outside of any of said limits defined by the said financial capacity. In order to overcome this deficiency in Baseman, teachings of Lewis (see col.5, lines 56-61 and col.6, lines 43-47, that is to alert users/system that a transaction has caused a negative cash-balance and that it has not recovered in a pre-defined allowance time) were combined. One of an ordinary skill in the art can find strong motivation to combine Lewis and Basemen because Baseman explicitly teaches to defer a proposed transaction in order to avoid a negative cash-balance position, see at least col.9, lines 2-55, col.10, lines 39-43, and col.21, line 55-col.23, line 4, and therefore it will be required that when such a position is to arrive it should be informed to the management of the business to take corrective or right action and to avoid from going into-a negative or adverse cash-balance position.

Note: Basemen, Lewis and applicant's disclosure are directed to systems and methods in the field of business management and management decision making process. In Basemen, see at least col. 1, lines 5-16, the invention relates to using Financial Management considerations in making management decisions closely monitoring various performance measures of a company. One of the performance measures is monitoring cash-flow by using computer-implemented methods and software, see at least col.2, line 33- col.3,line 17, which is a similar objective as recited in the applicant's disclosure. Similarly, in Lewis, see at least col.1, lines 5-14, the invention is directed to data processing systems for financial management which includes computer- implemented methods and systems using software programs for monitoring cash-flow positions in making financial decisions, see at least col.2, line 48-col.3, line 18. Therefore, the examiner is of the opinion that teachings of Basemen and Lewis are relevant and combinable to render the teachings of the claimed invention obvious.

Regarding claims 2 and 3, Baseman does not explicitly teach providing an electronic message to a specified business manager or a specified party outside of the business. However, Lewis teaches providing an electronic message to a specified business manager or a specified party outside of the business (col. 5 line 56 - col. 6 line 6). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Baseman to explicitly provide an electronic message to a specified business manager or a specified party outside of the

business, as taught by Lewis, for the motivation of managing information relating to a financial capacity of a business.

Regarding claim 4, Baseman does not explicitly teach said specified outside party includes one or more of a capital provider or a debt provider. However, Lewis teaches (at col. 5 lines 56-61) *It is yet another object of the present invention to proactively alert users and other applications when a situation occurs that warrants immediate attention. For example, alert the appropriate users and applications that as the result of a transaction, market change, or customer/counterparty change, a financial threshold or limit has been breached.* This teaching encompasses include notification to one or more of a capital provider or a debt provider. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teachings of Baseman to explicitly notify one or more of a capital provider or a debt provider, as taught by Lewis, for the motivation of managing information relating to a financial capacity of a business.

Regarding claim 5, Baseman teaches said software system connects to the electronic records and calculates a current cash position in response to a request for approval for said proposed transaction (col. 8 line 43 - col. 9 line 56).

Regarding claims 6-8, Baseman teaches a computerized system for monitoring a cash position of a business where the software will include one or more predetermined limits defined by the financial capacity of the business including bank

margin (see at least col.22, lines 10-27 which discloses using short-term borrowing and lending rates and credit limits on the revolver agreements with banks) , inventory margin and a permitted accounts receivable margin (col.8, line 43-col.9, line 63 and col.24, lines 31-38, col. 6 lines 33-61, col. 20 lines 39-58, col. 5 line 66-col. 6 line.61, col. 2 line 65-col 3 line 17 and col. 20, lines 15-35).In addition to that taught by Baseman, Lewis further teaches monitoring the transaction to see if it falls outside of the limits defined by the financial capacity of the business (col. 5 lines 56-61).It would have been obvious to one skilled in the art at the time of the invention to combine Baseman in view of Lewis to teach the claims. The motivation to combine is to teach a system for monitoring a cash position of the business and to provide a management information system that continuously posts transactions and monitors cash balances, and maintain costs and aggregates and nets payables and receivables and calculates profit loss, gain loss, and margin requirements as enunciated by Lewis col. 5 lines 13-25).

Regarding claim 13: Baseman teaches calculating said permitted cash position further includes the steps of calculating operating criteria (col. 6 lines 33-61; col. 8 line 43 - col. 9 line 5).

Regarding claim 14, Baseman teaches projecting future cash flow requirements over a predetermined period in light of said proposed transaction (col. 5 line 66 - col. 6 line 61; col. 17 lines 25-44).

Regarding claim 15, Baseman teaches projecting future cash flow requirements includes projecting expenses and income over the predetermined period having regard to previous years' expenses and incomes for an equivalent period to said predetermined period (col. 8 line 43 - col. 9 line 5).

Regarding claim 17, Baseman teaches (at col. 20 lines 47-58) *Particularly in cases where customer demand exceeds production capacity, tactical customer selection can also be used to exploit changes in foreign exchange rates* to dynamically *choose customers in order to (1) increase revenues, or (2) reduce taxes. For example, these goals can be accomplished by. (1) dynamically shifting sales to customers in markets having* the *highest prices for the manufactured products; and (2) assessing* the *impact of foreign exchange on local profit margins, then dynamically shifting sales* of low *margin products to high tax jurisdictions, and shifting sales of high margin products to low tax jurisdictions.* Examiner asserts that the teachings of Baseman et al encompass calculating tax cash disbursements, and other types of cash disbursements in addition to taxes.

Regarding claim 18, Baseman teaches varying one or more assumptions relating to said financial capacity and calculating a revised permitted cash position (col. 12 line 52 - col. 13 line 10).

Regarding claim 19, Baseman teaches (at col. 6 lines 37-61) according to the *invention,* a strategic *business* plan is generated to assist decision-making, and to

closely monitor various *performance* measures of an enterprise by extending supply

chain management using *financial* management considerations. *The method* uses

information *and* models derived from at least one of the following planning processes.

Supply chain management-designing a supply chain model for a *firm* utilizing *firm-*

specific information including strategic objectives, a *desired level of* risk, market

position of the *firm* and industry *competitive landscape; extended demand planning--*

determining which customer *demands* to fulfill, and when to fulfill them, *while* factoring

in demand uncertainty, capacity and time constraints, *inventory management--*

developing inventory policies to service stochastic customer *demand,* using

information related to service targets, budgets, stock out probabilities *and* costs and

demand fulfillment rates; procurement *planning-mitigating* foreign exchange risk by

considering the firm's global foreign exchange position using vendor selection, thereby

reducing foreign exchange exposures; *and production planning--dynamically* shifting

production in coordination with procurement *planning* to locations *with weak*

currencies, thereby reducing production costs. This disclosure encompasses providing

a data extraction module to permit the software system to extract appropriate financial

information from the electronic records.

Regarding claim 20, Baseman does not explicitly teach marking a transaction

document to certify payment approval for a recipient. However, Baseman et al does

teach (at col. 9 lines 44-56) *Optimal inventory policies should seek not only to meet*

demand requirements, but also to align the timing of cash outflows with the firm's global cash

position. For example, if cash is constrained, reordering *might be deferred for certain*

products. This would help minimize borrowing, and reduce liquidity requirements. In addition,

the timing of cash inflows from product sales does not typically correspond precisely with the

booking of a sale, since customers frequently delay payments. For certain product lines, and

for certain customer sets, there may be consistent patterns in the timing of payments. The

impact of these delays on product profitability should be considered when determining

optimal inventory policies. Therefore, examiner asserts that this disclosure

encompasses applicant's claim language of marking a transaction document to certify

payment approval for a recipient.

Regarding claim 21, its limitations are closely parallel to the limitations of claim 1

and are therefore analyzed and rejected on the basis of same rationale.

Regarding claim 22, Baseman does not explicitly teach a graphical user

interface which indicates whether the proposed transaction is permitted, denied, or

allowed but brings the enterprise close to a financial capacity limit. However, Lewis

teaches said communication module includes a graphical user interface which

encompasses indicating whether the proposed transaction is permitted, denied, or

allowed but brings the enterprise close to a financial capacity limit (col. 6 lines 7-24).

Therefore, it would have been obvious to one skilled in the art at the time the invention

was made to modify the teaching of Baseman to explicitly teach a graphical user

interface which indicates whether the proposed transaction is permitted, denied, or

allowed but brings the enterprise close to a financial capacity limit, as disclosed by Lewis,

for the motivation of managing information relevant to a financial capacity of a business.

Regarding claim 23, Baseman does not explicitly teach providing an electronic

message to predetermined addresses of a request for a denied transaction. However,

Lewis teaches providing an electronic message to predetermined addresses of a

request for a denied transaction (col. 5 line 56 - col. 6 line 6). Therefore, it would have

been obvious to one skilled in the art at the time the invention was made to modify the

teachings of Baseman to explicitly provide an electronic message to predetermined

addresses of a request for a denied transaction, as taught by Lewis, for the motivation

of managing information relating to a financial capacity of a business.

Regarding claim 24, Baseman teaches a 'what if scenario generator for permitting

certain hypothetical events to be entered and evaluated by the software system (col. 4

lines 3744).

Regarding claim 25, Baseman teaches a future cash position calculation module

for evaluating future cash flow in light of a proposed transaction (col. 5 line 66 - Col. 6 line

61; col. 17 lines 25-44).

Regarding claim 26, Baseman does not explicitly teach a marker for certifying

approval of said proposed transaction on a payment record. However, Lewis teaches a

marker for certifying approval of said proposed transaction on a payment record (Col. 14

lines 1231). Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to modify the teaching of Baseman to explicitly teach a marker for

certifying approval of said proposed transaction on a payment record, as taught by Lewis,

for the motivation of managing information relevant to a financial capacity of a business.

Regarding claims 27-30, Baseman teaches a computerized method for

monitoring a cash position of a business(col. 6 lines 33-61). In addition to that taught

by Baseman, Lewis teaches the software and the platform are operated by a third

party external to the business and the capital provider(col. 5 line 1-col 6 line 60). It

would have been obvious to one skilled in the art at the time of the invention to

combine Baseman in view of Lewis to teach the claims. The motivation to combine is

to teach a system for monitoring a cash position of the business and to provide a

management information system that continuously posts transactions and monitors

cash balances, and maintain costs and aggregates and nets payables and receivables

and calculates profit loss, gain loss, and margin requirements as enunciated by Lewis

col. 5 lines 13-25).

5.2.   Claims 9-12 are rejected under 35 USC 103(a) as unpatentable over Baseman

in view of Lewis and further in view of Paquette (US Patent 6,850,897).

Regarding claims 9-12, Baseman teaches a computerized system for

monitoring a cash position of a business where the software will include one or more

predetermined limits defined by the financial capacity of the business. Baseman in

view of Lewis does not teach including current ratio of the value of current assets to

current liabilities, cash flow after debt service ratio, debt to equity ratio, and one or

more of capital expenditures, return on sales, EBITDA, Net profit, dividends, etc. in

determining the financial capacity of the business. However, in the same field of

endeavor, Paquette discloses including current ratio of the value of current assets to

current liabilities, cash flow after debt service ratio, debt to equity ratio, and one or

more of capital expenditures, return on sales, EBITDA, Net profit, dividends, etc. in

determining the financial capacity of the business (see at least col.1, lines 40-57). It

would be obvious to one skilled in the art at the time of the invention to combine

Paquette teachings, that is of including current ratio of the value of current assets to

current liabilities, cash flow after debt service ratio, debt to equity ratio, and one or

more of capital expenditures, return on sales, EBITDA, Net profit, dividends, etc. in

determining the financial capacity of the business with Baseman in view of Lewis to

because it would help to analyze the financial condition to determine investment,

lending, underwriting, etc. functions, as suggested clearly in Paquette.

5.3.   Claim 16 is rejected under 35 USC 103(a) as unpatentable over Baseman in

view of Lewis (US Pat. No: 6,513,019) and further in View of Official Notice .

Regarding claim 16, Baseman does not explicitly teach projecting future cash flow

requirements includes the step of comparing said future cash position to one or more lender

covenants. However, Official Notice is taken that businesses consider lender covenants

when projecting future business objectives and financial requirements. Businesses

traditionally plan ahead for business requirements that must be met when scheduling

production/delivery events, including monetary requirements for conducting business.

Therefore, it would have been obvious to one skilled in the art at the time the invention was

made to modify the teaching of Baseman to explicitly teach projecting future cash flow

requirements includes the step of comparing said future cash position to one or more lender

covenants, as taught by old and well known art, for the motivation of managing information

relating to a financial capacity of a business.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-

6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
2/2/2006